

AO 93 (Rev. 11/13) Search and Seizure Warrant

## UNITED STATES DISTRICT COURT

for the  
Eastern District of New YorkIn the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)THE PREMISES KNOWN AND DESCRIBED AS THE JAIL CELL FOR JAMES  
WILKES AT THE METROPOLITAN DETENTION CENTER, 80 29TH STREET,  
BROOKLYN, NEW YORK, AND ANY CLOSED OR LOCKED AREAS AND  
CLOSED OR LOCKED CONTAINERS FOUND THEREIN

Case No.

**15M 963**

## SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search  
of the following person or property located in the Eastern District of New York  
(identify the person or describe the property to be searched and give its location):THE PREMISES KNOWN AND DESCRIBED AS THE JAIL CELL FOR JAMES WILKES AT THE METROPOLITAN  
DETENTION CENTER, 80 29TH STREET, BROOKLYN, NEW YORK, AND ANY CLOSED OR LOCKED AREAS AND  
CLOSED OR LOCKED CONTAINERS FOUND THEREIN (SEE ATTACHMENT A)I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property  
described above, and that such search will reveal (identify the person or describe the property to be seized):

SEE ATTACHMENT A.

**YOU ARE COMMANDED** to execute this warrant on or before OCT. 22, 2015 (not to exceed 14 days)  
☒ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the  
person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the  
property was taken.The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory  
as required by law and promptly return this warrant and inventory to the Duty Magistrate Judge  
(United States Magistrate Judge)☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C.  
§ 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose  
property, will be searched or seized (check the appropriate box)☐ for      days (not to exceed 30) ☐ until, the facts justifying, the later specific date of     Date and time issued: 10/8/15 1:49PM  
Judge's signatureCity and state: Brooklyn, New YorkHon. James Orenstein U.S.M.J.  
Printed name and title

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**Return**

Case No.:

2450-MJ-5189929

Date and time warrant executed:

10/20/2015 1030am

Copy of warrant and inventory left with:

MDC Staff - Timothy Geier

Inventory made in the presence of:

n/a

Inventory of the property taken and name of any person(s) seized:

nothing taken

**Certification**

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: 10/20/2015

  
Executing officer's signature  
SA L. Canfield  
Printed name and title

## ATTACHMENT A

### I. Premises to be Searched—the Subject Premises

The premises to be searched (the “SUBJECT PREMISES”) are described as follows:

The SUBJECT PREMISES is the jail cell to which JAMES WILKES (United States Marshals Service Registration Number 72609-054) is assigned at the Metropolitan Detention Center, located at 80 29th Street, Brooklyn, New York.

### II. Search and Seizure Authorization

This Warrant authorizes law enforcement to enter the SUBJECT PREMISES, and any closed or locked areas and closed or locked containers found therein, and to search for and seize instrumentalities, evidence, and fruits of violations of 18 U.S.C. § 401, 402, 1513, and 2, specifically:

1. Any copy of the protective order governing discovery in *United States v. Davis*, 15 Cr. 468 (VB) (the “Protective Order”), whether or not such copy is a copy of the Protective Order that has been entered by the Court or signed by defense counsel; and

2. Any document referring to the Protective Order, including but not limited to any copy of correspondence from the Government referring to the Protective Order.

### III. Search Procedure to Review Records Found in the Subject Premises

With respect to any document seized pursuant to this search warrant, the following procedure will be used to determine whether it constitutes evidence, contraband, fruits, or instrumentalities of the Subject Offenses:

- a. All seized documents will be reviewed initially by an FBI agent or agents who will not be part of the investigatory or prosecution team (the “Filter Agent”).

- b. The Filter Agent will determine whether the seized document contains indicia of fraud, pertains to violation of the Protective Order, or otherwise constitutes evidence, contraband, fruits, or instrumentalities of the Subject Offenses (the “Seized Documents”).

- c. Where the Filter Agent determines that a document does not contain indicia of fraud, pertain to violation of the Protective Order, or otherwise constitute evidence, contraband, fruits, or instrumentalities of the Subject Offenses, that document will be returned to the SUBJECT PREMISES or, if it is a copy, destroyed.

- d. The Seized Documents will be provided to an Assistant United States Attorney or Attorneys who will not be part of the investigatory or prosecution team (the “Wall AUSA”).

- e. The Wall AUSA will review the Seized Documents to determine whether they contain any privileged communications unrelated to indicia of fraud and/or the Subject Offenses.



f. Where the Wall AUSA determines that a Seized Document does not contain privileged communications, the Seized Document will be provided to members of the investigatory and/or prosecution team.

g. If the Seized Documents contain only privileged communications unrelated to indicia of fraud and/or the Subject Offenses, those Seized Documents will be returned to the SUBJECT PREMISES or, if they are copies, destroyed. If only a portion of a Seized Document contains privileged communications unrelated to indicia of fraud and/or the Subject Offenses, the document will be redacted and turned over to members of the investigatory and/or prosecution team in redacted form.